

### **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## **ACTION AGENDA**

### **CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH**

**MONDAY, APRIL 15, 2002**

5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

#### **5:00 P.M. - Room B-8**

#### **Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

***Present – (Houchen arrived 5:10 p.m.)***

#### **Public Comments Regarding Study Session and Closed Session Agenda Items**

***None***

**(City Council/Redevelopment Agency) Three Study Sessions – (1) Staff Report Re: Soil Contamination Adjacent to Terminus of Graham Street at Bolsa Chica Wetlands (520.40)**

**(2) Overview of City's New Utility Billing System (600.10) and (3) Presentation of Adopt-A-Storm Drain (1020.10)**

**(1) Staff Report Regarding Soil Contamination Adjacent to Terminus of Graham Street at Bolsa Chica Wetlands – Property Formerly known as Fieldstone Property, Now Owned by Hearthside Homes** (520.40) – Presentation by Fire Chief Michael P. Dolder and Public Works Director Robert F. Beardsley regarding soil contamination adjacent to the terminus of Graham Street at the Bolsa Chica wetlands. (Property formerly known as Fieldstone Property, now owned by Hearthside Homes).

***Fire Chief/Information Systems Director Dolder provided informational report on PCB contaminated County owned property.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY  
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

***<http://www.ci.huntington-beach.ca.us>***

(2) **Utility Billing Study Session** (600.10 AMX) – Fire Chief/Information Systems Director Michael P. Dolder, City Treasurer Shari Freidenrich, along with Public Works staff, will present an overview of the City's new utility billing system.

***City Treasurer Freidenrich, Public Works Deputy Director Emery, and Fire Chief/Information Systems Director Dolder presented PowerPoint report (Late Communication titled Municipal Services Statement) to return May 6, 2002 as an F-item on the agenda.***

(3) **Adopt-A-Storm Drain Program Study Session** (1020.10) – The Public Works Department will present an overview of the Adopt-A-Storm Drain program. Through participation in this program, the city will receive revenues to use for various water quality programs and projects.

***Public Works Department Environmental Engineer, Geraldine Lucas introduced program and distributed Late Communication titled Adopt-a-Storm Drain. Representative Paul Polizzotto reported.***

**Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action:** Motion to recess to Closed Session on the following items:

***Approved 7-0***

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Scottsdale Insurance Co. v. City of Huntington Beach**, Orange County Superior Court Case No. 761735. Subject: **Scottsdale Insurance Co. v. City of Huntington Beach**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Logan W., a minor, by and through his Guardian ad Litem, Geoffrey W., Geoffrey W. and Jerilynne W., individually, v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 01CC05234. Subject: **Logan W., a minor/Geoffrey W., et al. v. City of Huntington Beach, et al.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore **regarding labor relations matters – meet and confer** with the following employee organizations: **HBMEO** and **HBFMA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Talbert & Beach, Inc. v. City of Huntington Beach**; U.S. District Court Case No. SACV-001096-AHS (EEx). Subject: **Talbert & Beach, Inc. v. City of Huntington Beach**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Howard Jarvis Taxpayers Assn., et al., v City of Huntington Beach, et al.**; Orange County Superior Court Case No. 818780. Subject: **Howard Jarvis Taxpayers Assn., et al., v. City of Huntington Beach**. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

**7:00 P.M. - Council Chambers**

**Reconvene City Council/Redevelopment Agency Meeting**

- \*\* The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

***Adult Business Ordinance – Decision to Vote to Dismiss 7-0***

**Roll Call** Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

***Present***

**Pledge of Allegiance** – Huntington Beach Search & Rescue Explorer Post.

**Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

***5:00 p.m. Study Session Late Communications; C-3; F-1; F-2; G-1a; G-2a; H-1a; and H-1b***

**Mayor's Award** – By Mayor Debbie Cook to Tom Shaw, Fire Captain/Hazardous Materials, Huntington Beach Fire Department.

***Captain Shaw and his two families – immediate and crew – were present to celebrate his award.***

**B. PUBLIC COMMENTS**

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

**This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.  
No action can be taken by Council/Agency on this date unless agendaized.

*Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium*

- (1) Speakers requesting that a park not be established in the Goldenwest-Ellis area (Agenda Item G-1a).***
- (2) Many speakers in opposition to Agenda Item F-1 relative to paying prevailing wage rates.***
- (3) Speaker extended invitation to all to attend the O.C. Sanitation District meeting to oppose 301-H waiver of Federal Clean Water Act standards to the O.C.S.D.***
- (4) V.P. Council on Aging – spoke regarding Senior Transportation Program acquiring a new van and also a need for volunteer drivers.***
- (5) Speakers opposed to petition to amend Charter to establish Council districts and five Councilmembers rather than seven.***
- (6) Speaker opposing removal of invocation from Agenda.***
- (7) Speakers in favor of not paying prevailing wages relative to Agenda Item F-1.***
- (8) Speaker in favor of Councilmembers being elected by district.***
- (9) Speakers requesting left-turn pocket on Brookhurst St. near Rancho Huntington for traffic safety.***

***(10) Speakers in favor of a gated community in the Goldenwest-Ellis quartersection.***

***(11) Speaker in favor of H-2a.***

***(12) Speaker promoting “Nor-Fed” currency to generate revenue for the City.***

**C-1. Council Committee/Council Liaison Reports****C-1a. (City Council) Announcement By Councilmember Grace Winchell of Appointment of Mark Fiduccia to the Finance Board (110.20)**

Councilmember Winchell will announce her appointment of Mark Fiduccia to the Finance Board.

**Recommended Action:** Motion to:

Direct the City Clerk to record in the official Council minutes the Council appointment made by Councilmember Winchell of Mark Fiduccia to the Finance Board.

***Approved 7-0***

**C-2. City Administrator's Report**

***None***

***Mayor reported on the success of the visit of the Huntington Beach delegation to Anjo, Japan, Sister City.***

**C-3. (City Council) Review and Accept Shari Freidenrich, City Treasurer's February 2002 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for February 2002.

**Recommended Action:** Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for February 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

***City Treasurer Shari Freidenrich presented PowerPoint report (Late Communication).***

***Approved 7-0***

**D. PUBLIC HEARINGS**

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

- D-1. (City Council) Continued Open from March 18, 2002 – Approve Recommendation to Continue Open to May 20, 2002 – Public Hearing to Consider Approval of Zoning Map Amendment No. 01-03 of Subareas A through D (General Plan Consistency) – Approve Introduction of Ordinance Nos. 3543, 3544, 3545, and 3547** (440.50)  
Public hearing continued open from March 18, 2002 to consider the following:

**Applicant:** City of Huntington Beach, Planning Department

**Request:** To rezone four subareas of properties to make the zoning designations consistent with the current General Plan land use designations as follows:

**Subarea A (McCallen Park/Boy's and Girl's Club):** Rezone from RM-O (Residential Medium Density with Oil District Overlay) to OS-PR (Open Space-Park and Recreation). **Location:** 2309 Delaware Street (west side, south of Yorktown Avenue).

**Subarea B (Church of Jesus Christ of Latter Day Saints):** Rezone from RM (Residential Medium Density) to PS (Public-Semipublic). **Location:** 19191 17<sup>th</sup> Street (west side, north of Clay Avenue).

**Subarea C (Water Division Office/Yard):** Rezone from IL (Limited Industrial) to PS (Public-Semipublic). **Location:** 19001 Huntington Street (southwest corner of Huntington Street and Garfield Avenue).

**Subarea D (Seniors Center):** Rezone from OS-PR (Open Space-Park and Recreation) to PS (Public-Semipublic). **Location:** 1706 Orange Avenue (northwest corner of 17<sup>th</sup> Street and Orange Avenue).

**Environmental Status:** This item is covered under Final Environmental Impact Report No. 94-1.

**On File:** A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at City Hall or the Main City Library (7111 Talbert Avenue) on March 15, 2002.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the City Attorney's Office at 714-536-5555 and refer to the above items. Direct your written communications to the City Clerk.

**Recommended Action:** Motion to:

Continue Zoning Map Amendment No. 01-03 to the May 20, 2002 City Council meeting.

***Approved to Continue Open to May 20, 2002 7-0***



**Administrative Hearing**

D-2 is an administrative public hearing. This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

**D-2. (City Council) Administrative Public Hearing – Adopt Resolution No. 2002-30 – Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)**

Communication from the City Treasurer and the City Attorney.

Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

1. Staff Report
2. City Council Discussion
3. Open Public Hearing
4. Following Public Input, Close Public Hearing

**Recommended Action:** Motion to:

Adopt **Resolution No. 2002-30** entitled “A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.”

***Continued Public Hearing Open to May 6, 2002 7-0***

### **E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council) Approve Appropriation of Funds for the Police Facility and Civic Center Chiller Emergency Replacements (Air Conditioning Repair/Maintenance)** (320.45) – Authorize the Finance Director to appropriate \$88,000 for the replacement of the needed components in the Police Facility and Civic Center air conditioning systems. Submitted by the Public Works Director. Funding Source: Funds are not available in the current budget. The amount of \$88,000 will be appropriated from the General Fund Unappropriated Fund Balance to Civic Center Maintenance, Contracts for Repair and Maintenance.

***Approved 7-0***

- E-2. (City Council) Approve City Council Position on Legislation Pending Before the Sate Legislature, and/or Congress as Recommended by the City Council Intergovernmental Relations Committee** (120.70) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on the following items and authorize the Mayor to send letters reflecting those positions to the legislators: **1. SUPPORT – AB 2863 (Longville, Daucher)** Housing Element; **2. SUPPORT – AB 2073 (Canciamilla)** Assessment of Power Generation Facilities; **3. OPPOSE – AB 1890 (Horton)** Civil Service Employees/Personnel Commission Representation; **4. SUPPORT – SB 1688 (Margett)** Supplemental Firefighting Equipment Fund; **5. SUPPORT – AB 2233 (Wright)** Firefighting Equipment Bond Act; **6. SUPPORT – SB 1874 (Johnson)** OCTA Restructuring; **7. SUPPORT – AB 2569 (Cardoza)** Emergency Telephone Users Surcharge; **8. SUPPORT – SCA 10 (Speier)** Library Bond – Lower Vote Requirement for Library Bonds to 55%; **9. SUPPORT – SB 1916 (Figuerro)** Local Coastal – Non-point Pollution with the letter to request a revision in the language to note the responsibility of non-coastal cities in resolving the non-point pollution problem; **10. SUPPORT – AB 1892 (Harman)** Orange County Sanitation District; **11. OPPOSE – SB 1518 (Torlaksen)** Recycled Water; **12. OPPOSE – AB 2521 (La Suer)** Traffic Signals; **13. OPPOSE – AB 1800 (Kehoe)** Motor Vehicles – Disabled Persons; **14. SUPPORT – AB 2351 (Canciamilla)** Water Quality – Civil Liability; and **15. SUPPORT – SB 1619 (Romero)** Hazardous Electronic Scrap. Submitted by Councilmember Shirley Dettloff, Chairperson, Intergovernmental Relations Committee on behalf of Mayor Debbie Cook and Mayor Pro Tem Ralph Bauer. Funding Source: Not Applicable.

***Approved 7-0***

- E-3. **(City Council) Authorize Replacement of Damaged Fire Department Staff Vehicles – Approve Fund Appropriation** (320.45) – Approve and authorize the appropriation of \$43,000 from the undesignated, unappropriated fund balance of the Equipment Replacement Fund and transfer to the Equipment Replacement Fund (55340102.85050). Submitted by the Fire Chief/Information Systems Director.  
Funding Source: See above.  
**Approved 7-0**
- E-4. **(City Council) Accept and Award Bid for the Miscellaneous Sewer Lining Project, Phase I; CC-1178 to Z.Z. Liner, Inc. – Approve Sample Construction Contract** (600.60) – **1.** Accept the lowest responsive and responsible bid submitted by Z.Z. Liner, Inc., in the amount of \$796,499; and **2.** Authorize the Mayor and City Clerk to execute a construction contract with Z.Z. Liner, Inc. in substantially the same form as the attached sample construction contract. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$800,000 are budgeted in the Sewer Service Fund, Sewer Line Repairs Account.  
**Approved 7-0**
- E-5. **(City Council) Authorize Sale of Huntington Beach Dyke Well Property to Orange County Water District** (650.70) – **1.** Authorize the Mayor and City Clerk to execute the *Agreement for Purchase and Sale of Real Property By and Between the City of Huntington Beach and the Orange County Water District* to sell the Dyke Well property to the Orange County Water District in the amount of \$117,050; and **2.** Authorize the Mayor and City Clerk to execute the *Corporation Grant Deed*. Submitted by the Public Works Director. Funding Source: \$117,050 Revenue to be deposited in Water Fund - OCWD Account.  
**Approved 7-0**
- E-6. **(City Council) Adopt Resolution No. 2002-32 Amending the Memorandum of Understanding Between the City and the Huntington Beach Fire Management Association (HBFMA)** (720.20) – Adopt **Resolution No. 2002-32** – “A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for 12/22/01 Through 12/20/02.” Submitted by the Assistant City Administrator and the Administrative Services Director. Funding Source: Fiscal Year 2001/2002 budget. The total annual cost \$35,000. The total cost for Fiscal Year 2001/2002 is \$28,000.  
**Approved 7-0**

- E-7. **(City Council) Approve Professional Services Contract Between the City and Maximus, Inc. for Executive Recruitment Services for the Position of Human Resources Manager** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Maximus, Inc. for Professional Recruitment Services for the Position of Human Resources Manager*. Submitted by the City Administrator. Funding Source: Fiscal Year 2001/2002 budget – Human Resources, Recruitment Professional Services Account – \$25,000.

***Approved 5-2 (Cook, Boardman No)***

- E-8. **(City Council) Adopt Resolution No. 2002-31 Amending the Memorandum of Understanding Between the City and the Huntington Beach Management Employees Organization (HBMEO)** (720.20) – Adopt **Resolution No. 2002-31** – “A Resolution of the City Council of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Management Employees’ Organization (MEO) and the City of Huntington Beach for 12/22/01 through 12/20/02.” Submitted by the Assistant City Administrator and the Administrative Services Director. Funding Source: Fiscal Year 2001/2002 budget - \$326,000. The total annual cost to implement the Memorandum of Understanding with the Huntington Beach Management Employees’ Organization is \$408,000.

***Approved 7-0***

**F. Administrative Items****F-1. (City Council) Review Staff Report and Provide Staff with Policy Direction Re: Prevailing Wage Rates (800.10)**

Communication from the City Administrator transmitting a report pursuant to the memorandum submitted by Mayor Pro Tem Bauer at the March 4, 2002 Council meeting requesting that staff *"Present information with regard to the necessity, or lack thereof, to pay prevailing wages. Such information should be designed to enable the City Council to adopt a policy concerning this matter."*

The staff report sets forth:

- A brief history of prevailing wage;
- Explains its method of calculation;
- Examines its applicability to the city;
- Provides summaries of research into prevailing wage and its impact on construction projects and maintenance and service contracts;
- Briefly details arguments typically made for and against prevailing wage;
- Examines how other California charter cities have dealt with the issue;
- Examines prevailing wage impacts/requirements relating to the city's street sweeping and refuse collection contracts; and
- Presents information regarding living wage requirements.

**\*\*A PowerPoint presentation titled *Report of Prevailing Wage* is included in the agenda packet.**

**Recommended Action:** Motion to:

Review the report and provide staff with appropriate direction.

***Senior Departmental Analyst Pete Grant presented PowerPoint slide report.***

***Maintain City's current policy of requiring prevailing wage rates  
7-0***

**F-2. (Redevelopment Agency) Adopt Resolution No. 334 – Approves and Authorizes Transmittal of Report to City Council on the Southeast Coastal Redevelopment Plan and Transmitting the Proposed Redevelopment Plan – Rosenow Spevacek Group, Inc. (RSG) (410.70)**

Communication from the Deputy Executive Director informing Council that as a part of the Redevelopment Plan adoption process the Agency is to consider a resolution approving and transmitting to the City Council its Report on the Southeast Coastal Redevelopment Plan.

Over the past several months of public discussions on the proposed Redevelopment Plan, staff has accumulated a series of specific redevelopment goals and expectations that have been incorporated into the draft Plan. The Plan itself is a legal document that describes the manner in which the Agency may use redevelopment and its financial resources in the future, and does not propose any specific actions at this time. Specific redevelopment activities would be determined as the Agency prepares its five year implementation plan, the draft of which is included within the attached Report to Council, and considers its annual budget and work program.

The Redevelopment Plan incorporates much of the public input provided over the past several months; specifically:

- 1. No Merger with Existing Project Area;**
- 2. Preservation of Wetlands and Open Space; and**
- 3. Limitation on Potential Land Uses under Redevelopment.**

A joint public hearing on the proposed Redevelopment Plan is scheduled for May 20, 2002. The Report to the City Council incorporates the Agency's Preliminary Report, approved on January 22, 2002, as well as additional information required by Redevelopment Law. The purpose of the Report is to assist the City Council in its consideration of the Plan and its legally required findings and determinations. Specifically, the Report includes the following components (per Section 33352 of the California Community Redevelopment Law):

**\*\*Communication dated April 8, 2002 and titled *Southeast Coastal Redevelopment Project Report to the City Council* is included in the agenda packet.**

**\*\*Communication dated January 22, 2002 and titled *Southeast Coastal Redevelopment Project Draft Redevelopment Plan* is included in the agenda packet.**

**Recommended Action:** Motion to:

**Adopt Resolution No. 334 – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving and Authorizing Transmittal of the Report to the City Council for the Southeast Coastal Redevelopment Project.”**

***Economic Development Director David Biggs presented PowerPoint report (Late Communication).***

***Adopted 7-0***

**G. Ordinances****G-1. Ordinance for Adoption**

***Mayor Cook recused herself from consideration of G-1a as her residence is in vicinity.***

- G-1a. (City Council) Continued from 4/1/02 - Adopt Ordinance No. 3542 Repealing Ordinance No. 3287 (Relating to Designation of a Future Neighborhood Park Site Per Settlement and Release Agreement Approved Between Brindle/Thomas, et al. and City-OCSC No. 750203)** (640.10) **Ordinance No. 3542** – “An Ordinance of the City of Huntington Beach Repealing Ordinance No. 3287 Related to the Designation of a Future Park Site Within the Ellis-Goldenwest Specific Plan Area.” Submitted by the City Attorney. (Introduction Approved on March 4, 2002 and consideration of adoption continued from 3/18 and 4/1/02.)

**Recommended Action:** Motion to: After City Clerk reads by title, adopt **Ordinance No. 3542**, by roll call vote.

***(1) Adopted 5-0-1-1 (Winchell abstain; Cook out of room – recused)***

***(2) Any park fund expended should be replaced 6-0-1 (Cook out of room – recused)***

- G-1b. (City Council) Adopt Ordinance No. 3553 – Approves Zoning Text Amendment No. 01-09 Public-Semipublic 2 Acre Requirement – Amends Chapters 211C and 214.04 Relating to Commercial Districts and Public-Semipublic Districts** (640.10) **Ordinance No. 3553** – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Code by Amending Chapter 211C and 214.04 Thereof Relating to Commercial Districts and Public Semipublic Districts.” (Public hearing held and introduction approved on April 1, 2002.)

**Recommended Action:** Motion to: After City Clerk reads by title, adopt **Ordinance No. 3553**, by roll call vote.

***Adopted 7-0***

**G-2. Ordinances for Introduction**

- G-2a. (City Council) Approve Introduction of Ordinance No. 3555 – Adopts Speed Limit Ordinance – For Varsity Drive from Edwards Street to Talbert Avenue and for Gothard Street from Main Street to Garfield Avenue (580.60) – Ordinance No. 3555 – “An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.” Submitted by the Public Works Director.**

**Recommended Action:** After City Clerk reads by title, approve introduction of Ordinance No. 3555, by roll call vote.

***Approved Introduction 7-0***

- G-2b. (City Council) Approve Introduction of Ordinance No. 3556 – Amends Bicycle License Fees (640.10) – Ordinance No. 3556 – “An Ordinance of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Regulating Bicycles.” Submitted by the Chief of Police. (New license and registration certificate not to exceed \$4; transfer of ownership not to exceed \$2; reissue not to exceed \$2; renewal not to exceed \$2 per year.)**

**Recommended Action:** After City Clerk reads by title, approve introduction of Ordinance No. 3556, by roll call vote.

***Approved Introduction 7-0***



H. City Council/Redevelopment Agency Items

H-1a. Submitted by Mayor Pro Tem Ralph Bauer

**(City Council) Approve the Formation of a Citizens' Committee in Opposition to a Proposed Amendment to the Huntington Beach Charter to Reduce the Number of City Council from Seven to Five Members to be Elected by Districts** (620.30)

Communication from Mayor Pro Tem Ralph Bauer transmitting the following **Statement of Issue**: It is proposed to form a Citizens' Committee to deal with the charter amendment proposal to reduce the number of Councilmembers from seven to five and have Councilmembers elected by district.

**Recommended Action:**

I move that the City Attorney provide information on how the Council can encourage the formation of a citizens committee to ~~oppose~~ **study** the proposed Council reduction proposal.

***Approved as amended 7-0***

H-1b. Submitted by Mayor Pro Tem Ralph Bauer

**(City Council) Request Formation of Ad Hoc Police-Directed Towing Council Committee Comprising of Mayor Pro Tem Ralph Bauer and Councilmembers Peter Green and Pam Houchen** (120.25)

Communication from Mayor Pro Tem Ralph Bauer submitting the following **Statement of Issue**: The City Council Towing Committee held numerous meetings from 1999 to 2001 regarding the Police-Directed Tow Ordinance and agreements. In October 2001, City Council adopted a revised ordinance and sample agreement. The Towing Committee was disbanded in December 2001 as part of the annual update.

At this time, the City Attorney's Office and Huntington Beach Police Department would like input regarding Customer Service Standards to be implemented with the tow agreement. It is anticipated that only one or two meetings will be required. Previous committee members assigned to this Council Committee were City Councilmembers Bauer, Houchen, and Green. I propose that they be reappointed at the Mayor's pleasure.

**Recommended Action:** Motion to:

~~Approve the reformation of an Ad Hoc City Council Towing Committee and reassign City Councilmembers Houchen, Green and myself at the pleasure of the Mayor.~~

***No action taken. City Attorney reported on her proposal and Council concurred unanimously, with no members absent for customer service standards to be implemented.***

**H-2a. Submitted by Councilmember Pam Houchen****(City Council) Request Reconsideration of the Council Motion Made at 4/1/02 Meeting to Deny the Formation of the Holly Seacliff Area of Benefit District and Direct Staff to Return at a Future Council Meeting (MuniFinancial Corporation/ PLC, Developer) (350.30)**

Communication from Pam Houchen submitting the following **Statement of Issue:** I would like the City Council to reconsider their denial of the Holly Seacliff Area of Benefit District made at the April 1, 2002 City Council Meeting.

The majority of the testimony from affected property owners indicated that they were not opposed to reasonable charges for roadway improvements, but took issue with proposed assessments for right of way acquisition.

I would like the City Council to consider forming an Area of Benefit District that would impose charges only for the Roadway Improvements listed in Table 4 of the MuniFinancial Final Report dated March 20, 2002 (Pages D-4-49 and D-4-50 of the April 1, 2002 RCA) and delete any proposed charges for right of way acquisition.

Further, in order to protect the City's infrastructure budget, I would propose that any fees collected from the District be split 50-50 with PLC, who constructed and paid for the roadway improvements and advanced all costs for City acquisition of right of way. PLC has indicated they are agreeable to amending the April 17, 2000 Settlement Agreement to this effect.

\*\*Table 4 of the MuniFinancial Final Report dated March 20, 2002 is included in the agenda packet.

**Recommended Action:** Motion to:

Vote to reconsider the matter described above and direct staff to return at a future

**May 6, 2002** Council Meeting.

***Approved as amended 6-1 (Boardman No)***

**Council Comments - (Not Agendized)**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

**Council/Agency Adjournment** to Monday, May 6, 2002, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office by Mail and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. Video Tapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
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